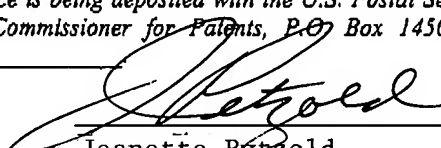




PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 14, 2007

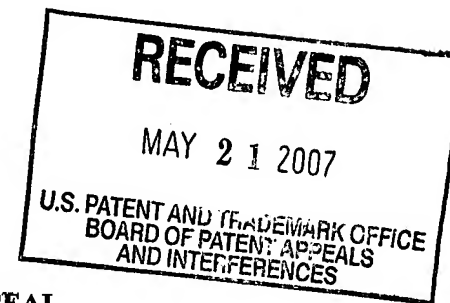

Jeanette Patzold

Appl No. : 10/723,817
Applicant : Steven E. Sadinsky
Filed : November 25, 2003
Title : TENSIONED PROTECTIVE FENCE WITH GATE AND METHOD OF
INSTALLATION THEREOF

Confirmation No.

TC/A.U. :
Examiner :

Docket No. : 50833/G316
Customer No. : 23363



DECLARATION OF STEVEN E. SADINSKY

IN SUPPORT OF AMENDMENT AFTER DECISION ON APPEAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
May 11, 2007

Commissioner:

I, Steven E. Sadinsky, declare and state as follows:

1. I believe that I am the original, sole inventor of the subject matter described and claimed in the above-identified application.
2. I invented a lightweight fence and gate for swimming pools surrounded by a deck comprising a plurality of poles, the poles including an insert that is contained within each pole and a pin that is fixed attached to each insert, the pin protruding from the bottom of each pole.
3. I attached the pin to the insert using an adhesive. I found a surprising and unexpected improvement in the structural integrity of the poles using an adhesive as the attachment means as opposed to screws. Particularly, when I used an adhesive as the attachment means and applied a large force to the poles, I found that the poles would bend, but not break as when a screw was used as the attachment means.

Technology Center 3600

MAY 22 2007

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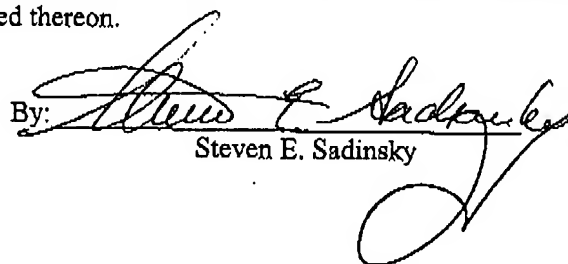
Appln No. 10/723,817

4. To test the structural integrity of poles using an adhesive as an attachment means versus poles using screws as an attachment means, I attached a wooden beam to the front bumper of a truck. I then drove the truck into poles inserted into the ground. The poles which used adhesive to attach the pin to the insert bent at the fulcrum point (where the poles meet the ground), but did not fracture. In fact, the poles were able to be straightened to their original position without breaking. On the other hand, poles that were inserted directly into the ground without a pin or insert broke at the fulcrum point.
5. I documented my test of the structural integrity of the poles in a video, submitted with the present declaration.
6. I performed the same test with poles having a pin attached to an insert with a screw. To use a screw as an attachment means, holes must be drilled into the insert and the pin. When the poles were impacted with the lateral force from the beam on the truck, the pole broke at the top of the insert, a few inches above the ground. Additionally, due to the sheer force of the impact, the screw deformed and the pin was pulled down away from the bottom of the pole.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: MAY 10, 2007

By:


Steven E. Sadinsky

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